

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

AHMAD HOSSEINIPOUR,	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 08-1640
	)	Judge Joy Flowers Conti
SALLY A. FRICK	)	Magistrate Judge Lisa Pupo Lenihan
	)	
Defendant.	)	

**REPORT AND RECOMMENDATION**

**I. Background and Analysis**

This case was initiated by the December 1, 2008 filing of a Motion for Leave to Proceed *In Forma Pauperis* which was granted by this Court on December 4th.

Congress has required that this Court review any Complaint filed by persons proceeding *in forma pauperis* and to dismiss any action that fails to state a claim on which relief may be granted. See 28 U.S.C. § 1915(e)(2).

Plaintiff's pleading in this action asserts that Defendant, Attorney Sally Frick, failed to adequately represent him with regard to a State Board of Medicine hearing concerning Plaintiff's medical license, for which Plaintiff paid fees in the amount of \$7,500. Because the one-page letter complaint filed by Plaintiff in this action does not state any federal claim for relief, it should be dismissed pursuant to this statute and this Court should decline to exercise

supplemental jurisdiction over any state law claim.<sup>1</sup> Cf. Banks v. Pittsburgh Tribune Review, 2007 WL 1314617 (W.D. Pa. May 4, 2007) (*sua sponte* dismissal of IFP complaint for failure to state a federal claim, and declining to exercise supplemental jurisdiction).

## **II. Recommendation**

For the reasons set forth above, it is respectfully recommended that this case be dismissed and the Court decline to exercise supplemental jurisdiction over any state law claim.

In accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.1.4(B) of the Local Rules for Magistrate Judges, the parties are allowed ten (10) days from the date of service to file objections to this report and recommendation. Any party opposing the objections shall have ten (10) days from the date of service of objections to respond thereto. Failure to file timely objections may constitute a waiver of any appellate rights.



LISA PUPO LENIHAN  
United States Magistrate Judge

Dated: December 9, 2008

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1. The Court notes that to the extent Plaintiff may have an underlying state law claim for contractual damages with regard to legal services, such action may be pursued in State Court.